

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§10–1201.

The General Assembly hereby approves and the Governor is authorized to enter into a compact on behalf of this State with any other state or states in a form substantially as follows:

ARTICLE I

Findings, Declaration of Policy, and Purpose

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors;

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, rules, and ordinances relating to the management of those resources;

(3) The preservation, protection, management, and restoration of wildlife resources contributes immeasurably to the aesthetic, recreational, and economic values of a state;

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration statutes, laws, rules, regulations, and ordinances of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife;

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property;

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states;

(7) In most instances, a person who is cited for a wildlife violation in a state other than the person's home state:

(i) Is required to post collateral or a bond to secure an appearance for a trial at a later date;

(ii) Is taken into custody until the collateral or bond is posted;
or

(iii) Is taken directly to court for an immediate appearance;

(8) The purpose of the enforcement practices set forth in paragraph (7) of this subsection is to ensure compliance with the terms of a wildlife citation by the cited person who, if allowed to continue on the person's way after receiving the citation, could return to the person's home state and disregard any duty under the terms of the citation;

(9) In most instances, a person receiving a wildlife citation in the person's home state is allowed to accept the citation from the officer at the scene of the violation and immediately continue on the person's way after agreeing or being instructed to comply with the terms of the citation;

(10) The practices described in paragraph (7) of this subsection cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made; and

(11) The enforcement practices described in paragraph (7) of this subsection consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, regulations, rules, and ordinances relating to management of wildlife resources in their respective states;

(2) Recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by a participating state and treat that suspension as if it had occurred in their state;

(3) Allow a violator, except as provided in Article III, subsection (b) of this Compact, to accept a wildlife citation and, without delay, proceed on the person's way, regardless of the violator's home state, if that state is a party to this Compact;

(4) Report to the appropriate participating state, as provided in the Compact manual, a conviction recorded against a person whose home state was not the issuing state;

(5) Allow the home state to recognize and treat convictions recorded against its residents that occurred in a participating state as though they had occurred in the home state;

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;

(7) Maximize effective use of law enforcement personnel and information; and

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this Compact is to:

(1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (b) of this article in a uniform and orderly manner; and

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of violators' rights to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this Compact, unless the context requires otherwise, the following words have the meanings indicated:

(a) "Citation" means a summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other law enforcement officer for a wildlife violation that contains an order requiring the person to respond.

(b) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other law enforcement officer of a citation for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

(d) (1) “Conviction” means a conviction, including a court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by state statute, law, regulation, rule, or ordinance.

(2) “Conviction” includes the forfeiture of bail, bond, or other security deposited to secure the appearance of a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.

(e) (1) “Court” means a court of law.

(2) “Court” includes a magistrate’s court.

(f) “Home state” means the state of primary residence of a person.

(g) “Issuing state” means the participating state that issues a wildlife citation to the violator.

(h) “License” means a license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, rule, or ordinance of a participating state.

(i) “Licensing authority” means the governmental unit in each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(j) “Participating state” means a state that enacts legislation to become a member of this wildlife Compact.

(k) “Personal recognizance” means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

(l) “State” means a state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(m) “Suspension” means a revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by a license.

(n) “Terms of the citation” means the conditions and options expressly stated in the citation.

(o) “Wildlife” means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, that are defined as “wildlife” and are protected or otherwise regulated by statute, law, rule, regulation, or ordinance in a participating state. Species included in the definition of “wildlife” vary from state to state. The determination of whether a species is “wildlife” for the purposes of this Compact shall be based on the law of the issuing state.

(p) “Wildlife law” means a statute, law, regulation, rule, or ordinance developed and enacted for the management of and uses of wildlife resources.

(q) “Wildlife officer” means an individual who is authorized by a participating state to issue a citation for a wildlife violation.

(r) “Wildlife violation” means a cited violation of a statute, law, regulation, rule, or ordinance developed and enacted for the management and uses of wildlife resources.

ARTICLE III

Procedures for Issuing State

(a) When issuing a citation for a wildlife violation, if the wildlife officer receives the recognizance of the person that the person will comply with the terms of the citation, a wildlife officer:

(1) Shall issue a citation to a person whose primary residence is in a participating state in the same manner as to a person residing in the issuing state; and

(2) May not require the person to post collateral to secure appearance, subject to the exceptions noted in subsection (b) of this article.

(b) Personal recognizance is acceptable:

(1) If not prohibited by local law or the Compact manual; and

(2) If the violator provides adequate proof of identification, including an identification document that contains the person’s picture, to the wildlife officer.

(c) (1) On conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state where the wildlife citation was issued.

(2) The report shall:

(i) Be made in accordance with procedures specified by the issuing state; and

(ii) Contain information as specified in the Compact manual as minimum requirements for effective processing by the home state.

(d) On receiving the report of conviction or noncompliance under subsection (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the Compact manual.

ARTICLE IV

Procedure for Home State

(a) (1) On receiving a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall:

(i) Notify the violator;

(ii) Initiate a suspension action in accordance with the home state's suspension procedures; and

(iii) Suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority.

(2) Due process safeguards shall be accorded to the violator.

(b) On receiving a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall:

(1) Enter the conviction in its records; and

(2) Treat the conviction as though the conviction had occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall:

(1) Maintain a record of actions taken; and

(2) Make reports to issuing states as provided in the Compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

(a) All participating states shall recognize the suspension of license privileges of a person by a participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

(b) Each participating state shall communicate suspension information to other participating states in a form and content prescribed in the Compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this Compact, nothing in this Compact may be construed to affect the right of a participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII

Board of Compact Administrators

(a) (1) For the purpose of administering the provisions of this Compact and to serve as a governing body for the resolution of all matters relating to the operation of this Compact, a Board of Compact Administrators is established. The Board shall be composed of one representative from each of the participating states to be known as the Compact Administrator.

(2) The Compact Administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state that the Compact Administrator represents.

(3) A Compact Administrator may provide for an alternate to discharge the Compact Administrator's duties and perform the Compact Administrator's functions as a Board member. An alternate may not be entitled to

serve unless written notification of the alternate's identity has been given to the Board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. An action of the Board may not be binding unless taken at a meeting at which a majority of the total number of the Board's votes are cast in favor of the action. Action by the Board may be taken only at a meeting at which a majority of the participating states are represented.

(c) The Board shall elect annually from its membership a chairman and vice chairman.

(d) The Board shall adopt bylaws not inconsistent with the provisions of this Compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The Board may accept for any of its purposes and functions under this Compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental unit, and may receive, utilize, and dispose of those grants and donations.

(f) The Board may contract with, or accept services or personnel from, any governmental or intergovernmental unit, individual, firm, or corporation, or any private not-for-profit organization or institution.

(g) The Board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this Compact. All procedures and forms adopted in accordance with Board action shall be contained in a Compact manual.

ARTICLE VIII

Entry into Compact and Withdrawal

(a) This Compact shall become effective when it is adopted in a substantially similar form by two or more states.

(b) (1) Entry into the Compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the Board.

(2) The resolution shall substantially be in the form and content as provided in the Compact manual and shall include the following:

(i) A citation of the authority from which the state is empowered to become a party to this Compact;

(ii) An agreement of compliance with the terms and provisions of this Compact; and

(iii) An agreement that Compact entry is with all states participating in the Compact and with all additional states that legally become parties to the Compact.

(3) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given:

(i) By the chairman of the Board of Compact Administrators;
or

(ii) By the secretariat of the board of each participating state that the resolution from the applying state has been received.

(c) (1) A participating state may withdraw from this Compact by official written notice to each participating state, but the withdrawal may not become effective until 90 days after the notice of withdrawal is given.

(2) The notice shall be directed to the Compact Administrator of each member state.

(3) A withdrawal of any state may not affect the validity of this Compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

(a) This Compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the chairman of the Board of Compact Administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a participating state to respond to the Compact chairman within 120 days after receipt of a proposed amendment shall constitute endorsement of the proposed amendment.

ARTICLE X

Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes stated in the Compact. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of a participating state or of the United States, or its applicability to any government, unit, individual, or circumstance is held invalid, the validity of the remainder of this Compact may not be affected by that invalidity. If this Compact shall be held contrary to the constitution of a participating state, the Compact shall remain in full force and effect as to the remaining states and in full force and effect as to the affected participating state as to all severable matters.

ARTICLE XI

Title

This Compact shall be known as the “Interstate Wildlife Violator Compact”.

[\[Previous\]](#)[\[Next\]](#)